

Water Board Groundwater Quality Funding Programs

SCOPING MEETINGS FOR
PROPOSITION 1 GROUNDWATER
SUSTAINABILITY & SB 445 SITE
CLEANUP SUBACCOUNT PROGRAMS

JUNE 2015

Introductions

- 💧 Water Board Staff

- 💧 Stakeholders

Meeting Ground Rules

- 💧 Honor time
- 💧 Use common conversational courtesy
- 💧 All ideas and points of view have value
- 💧 Share the air
- 💧 Speak slowly and clearly
- 💧 Treat each other with respect
- 💧 Electronic courtesy & avoid editorials

Agenda

- Welcome and Opening Remarks
- Introductions and Ground Rules
- Agenda
- Presentation on Groundwater Quality
Funding: SB 445 SCAP and Prop 1 GWS
- Q&A

Agenda – Contd.

- Review and Discussion of SB 445 SCAP Scoping Questions
- Review and Discussion of Prop 1 GWS Scoping Questions
- Summarize Next Steps/Closing Remarks
- Adjourn

**Presentation on
Groundwater Quality
Funding: Site Cleanup
Subaccount (SB 445) and
Groundwater Sustainability
(Proposition 1)**

Applying for Groundwater Quality (GWQ) Funding

- 💧 Apply broadly for funding so State Water Board staff can evaluate and direct projects to appropriate fund source
1. Pre-Application
 2. Final Application



HOW TO APPLY



COMING SOON!

Groundwater Quality Funding applications will be accepted online through the Financial Assistance Application Submittal Tool (FAAST):

<https://faast.waterboards.ca.gov/>

- The Pre-Application and Final Application are being developed using FAAST. Details will be provided to subscribers on the email Lyris list and on the website
- FAAST tutorials will be available online:
<http://www.waterboards.ca.gov/videos/faast.shtml>
- If your community has a hardship, technical assistance providers may be available to assist with electronic submittal

Groundwater Quality Funding Programs

Grants

- Proposition 1 Groundwater Sustainability
- Senate Bill 445 Site Cleanup Subaccount Program (SCAP)

Loans

- Proposition 1 Groundwater Sustainability
- Grant/Loan split for Prop 1 not established



Proposition 1 Groundwater Sustainability Program (Assembly Bill 1471, Chapter 10) - \$800 Million

Chapter 10	Groundwater Sustainability	\$800 Million
\$800M	Prevent/Clean up contamination of groundwater that serves or has served as drinking water	State Water Board
\$ 80M	<p>Treatment and Remediation of groundwater that serves as a source of drinking water</p> <p><i>Note: At least 10% to projects serving severely Disadvantaged Communities At least 50% cost share that can be reduced/waived for disadvantaged communities or economically distressed areas</i></p>	

Proposition 1 Groundwater Sustainability Program

Eligible Applicants

- ◆ Public Agencies, Tribes, Public Utilities, Non-Profits, Mutual Water Companies

Eligible Projects

- ◆ “Prevent or Clean up Contamination of Groundwater that serves or has served as a source of Drinking Water”

Priorities Based on

- ◆ Threat posed by groundwater contamination to drinking water supply
- ◆ Potential for groundwater contamination to spread/impair
- ◆ Potential of project to enhance local water supply reliability
- ◆ Potential of project to recharge vulnerable, high-use basins
- ◆ Projects with no viable responsible party(ies) or responsible parties unwilling/unable to pay total cleanup cost

Proposition 1 Groundwater Sustainability Program

Contaminants include, but are not limited to:

Nitrates, perchlorate, MTBE (methyl tertiary butyl ether), arsenic, selenium, hexavalent chromium, mercury, PCE (perchloroethylene), TCE (trichloroethylene), DCE (dichloroethene), DCA (dichloroethane), 1,2,3-TCP (trichloropropane), carbon tetrachloride, 1,4-dioxane, 1,4-dioxacyclohexane, nitrosodimethylamine, bromide, iron, manganese, and uranium

Both natural and human made contaminants

Proposition 1 Groundwater Sustainability Program

Timeline (estimates)

- ◆ Draft Guidelines – October 2015
- ◆ Public Workshops – November 2015
- ◆ Final Guidelines– December 2015
- ◆ First Round - Solicitation/Review– early 2016
- ◆ First Round Grant Agreements– 2016/2017



Proposed Application Process

- ◆ Pre-Application questionnaire then Final Application through on-line FFAST
- ◆ Technical assistance providers may be available for disadvantaged communities

SB 445 Site Cleanup Subaccount Program- SCAP

\$19.5 Million FY 2015/16

Eligible Applicants

- ◆ Applicants w/eligible projects



Eligible Projects

- ◆ Remediate harm or threat to human health, safety, and the environment from surface or groundwater contamination.
- ◆ Regulatory agency has issued a directive, unless infeasible
- ◆ Responsible Party lacks financial resources

Priorities Based on 5 Considerations

- ◆ Significant threat to human health or the environment
- ◆ Disadvantaged or small community impact
- ◆ Cost and environmental benefit of cleanup
- ◆ No other funding source(s) available other than SCAP
- ◆ Other State Water Board considerations

SCAP Grants

Only human-made contaminants

Examples of man-made constituents are:

Nitrates, PCE (perchloroethylene), TCE (trichloroethylene), DCE (dichloroethene), DCA (dichloroethane), pesticides, perchlorate, MTBE (methyl tertiary butyl ether), hexavalent chromium...

SCAP Grants

Timeline Process Development – 2015/16

- Public Workshops – June 2015
- Pre-Application available for applicants – July 2015
- Final SCAP Application available for applicants – August 2015
- Review of applications – Fall 2015
- State Water Board Consideration of 1st Project List – Winter 2016
- 1st Grant Agreements – 2016

Application Process

- On-line using FFAST
 - 1st: Pre-application questionnaire
 - 2nd: Final application

Comparison

COMPARISON	Proposition 1 Groundwater Sustainability	SB 445 Site Cleanup Subaccount Program
PROGRAM FUNDING	\$800 Million	Annual Appropriation Total of \$19.5 Million Anticipated FY 2015/16
PROJECT FUNDING MECHANISMS	<ul style="list-style-type: none"> • Grants • Loans <p>The split in funding for grants and loans has not yet been established.</p>	<ul style="list-style-type: none"> • Grants
MATCH	At least 50% funding match; may be waived for disadvantaged communities – community median household income less than 80% of the Statewide median – or economically distressed areas.	No funding match.

COMPARISON	Proposition 1 Groundwater Sustainability	SB 445 Site Cleanup Subaccount Program
OTHER FUNDING AVAILABLE	<p>Cannot be used to pay responsible parties' costs.</p> <p>Added consideration given to projects that leverage private, federal, or local funding.</p>	<p>Consider whether other funding sources available and focus SCAP on projects not otherwise eligible for funding. All applicants' ability to pay for projects will be considered for other funding available.</p>
ABILITY TO PAY	<p>Consideration given to the responsible parties' willingness and ability to pay for total cost of cleanup. Parties receiving funding make reasonable efforts to recover costs from responsible parties.</p>	<p>Responsible parties must lack sufficient resources to pay for required response actions.</p>
ELIGIBLE APPLICANTS	<p>Public Agencies, Tribes, Public Utilities, Non-Profits, Mutual Water Companies.</p>	<p>All applicants with eligible projects.</p>

COMPARISON	Proposition 1 Groundwater Sustainability	SB 445 Site Cleanup Subaccount Program
ELIGIBLE PROJECTS	<ul style="list-style-type: none"> • Prevent or cleanup contamination of groundwater that serves or has served as a source of drinking water 	<ul style="list-style-type: none"> • Remediate harm or threat to human health, safety, and the environment from surface or groundwater contamination • Regulatory agency has issued a directive, unless infeasible • Responsible Party lacks financial resources
Prevention	Available for prevention of groundwater contamination	Not available for prevention of groundwater contamination
Project in Disadvantaged Communities	Minimum 10% funds for projects in severely disadvantaged communities – Community median household income less than 60% of the Statewide median household income	Required consideration if project in a disadvantaged community

COMPARISON	Proposition 1 Groundwater Sustainability	SB 445 Site Cleanup Subaccount Program
PRIORITIES	<ul style="list-style-type: none"> • Threat posed by groundwater contamination to drinking water supply • Potential for groundwater contamination to spread/impair • Potential of project to enhance local water supply reliability • Potential of project to recharge vulnerable, high-use basins • Projects with no viable responsible party(ies) 	<ul style="list-style-type: none"> • Significant threat to human health or the environment • Disadvantaged or small community impact • Cost and environmental benefit of project • Lack of availability of alternate funding source(s) • Other State Water Board considerations
CONTAMINANTS	<ul style="list-style-type: none"> • Natural contaminants • Human-made contaminants 	<ul style="list-style-type: none"> • Human-made contaminants

COMPARISON	Proposition 1 Groundwater Sustainability	SB 445 Site Cleanup Subaccount Program
SCHEDULE	<ul style="list-style-type: none"> • Draft Guidelines – Oct 2015 • Public Workshops – Nov 2015 • Final Guidelines – Dec 2015 • First Round - Solicitation/Review– early 2016 • First Round Grant Agreements– 2016/2017 	<ul style="list-style-type: none"> • Public Workshops – June 2015 • Pre-Application available for applicants – July 2015 • Final SCAP Application available for applicants – August 2015 • Review of applications – Fall 2015 • State Water Board Consideration of 1st Project List – Winter 2016 • 1st Grant Agreements – 2016

Groundwater Quality Funding

Website:

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/

Get Email Alerts:

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml

“Groundwater Quality Funding Assistance”

Contact:

Email: gwquality.funding@waterboards.ca.gov

Message phone: **1-800-813-Fund (3863)**

Q & A

**Break – We Will Be Right
Back!**

SCOPING QUESTIONS

**Scoping Questions:
Site Cleanup Subaccount (SB 445)**

SB 445 SCAP: SCOPING QUESTIONS

1. What type of projects should be given higher priority?

What the law says: "...issue grants pursuant to this section for the reasonable and necessary costs of actions to remediate the harm or threat of harm to human health, safety, and the environment caused by existing or threatened surface or groundwater contamination..."

SB 445 SCAP: SCOPING QUESTIONS

1.A. Of the considerations required in evaluating projects, should some be weighted more than others? What other information should be considered?

What the law says: "...the board shall consider all of the following factors when awarding grants:

- (1) The degree to which human health, safety, and the environment are threatened by surface water or groundwater contamination at the location.
- (2) Whether the location is located in a small or financially disadvantaged community.
- (3) The cost and potential environmental benefit of the investigation or cleanup.
- (4) Whether there are other potential sources of funding for the investigation or cleanup.
- (5) Any other information the board identifies as necessary for consideration."

SB 445 SCAP: Required Considerations

RB Directive & RP Lacks \$, AND Consider:



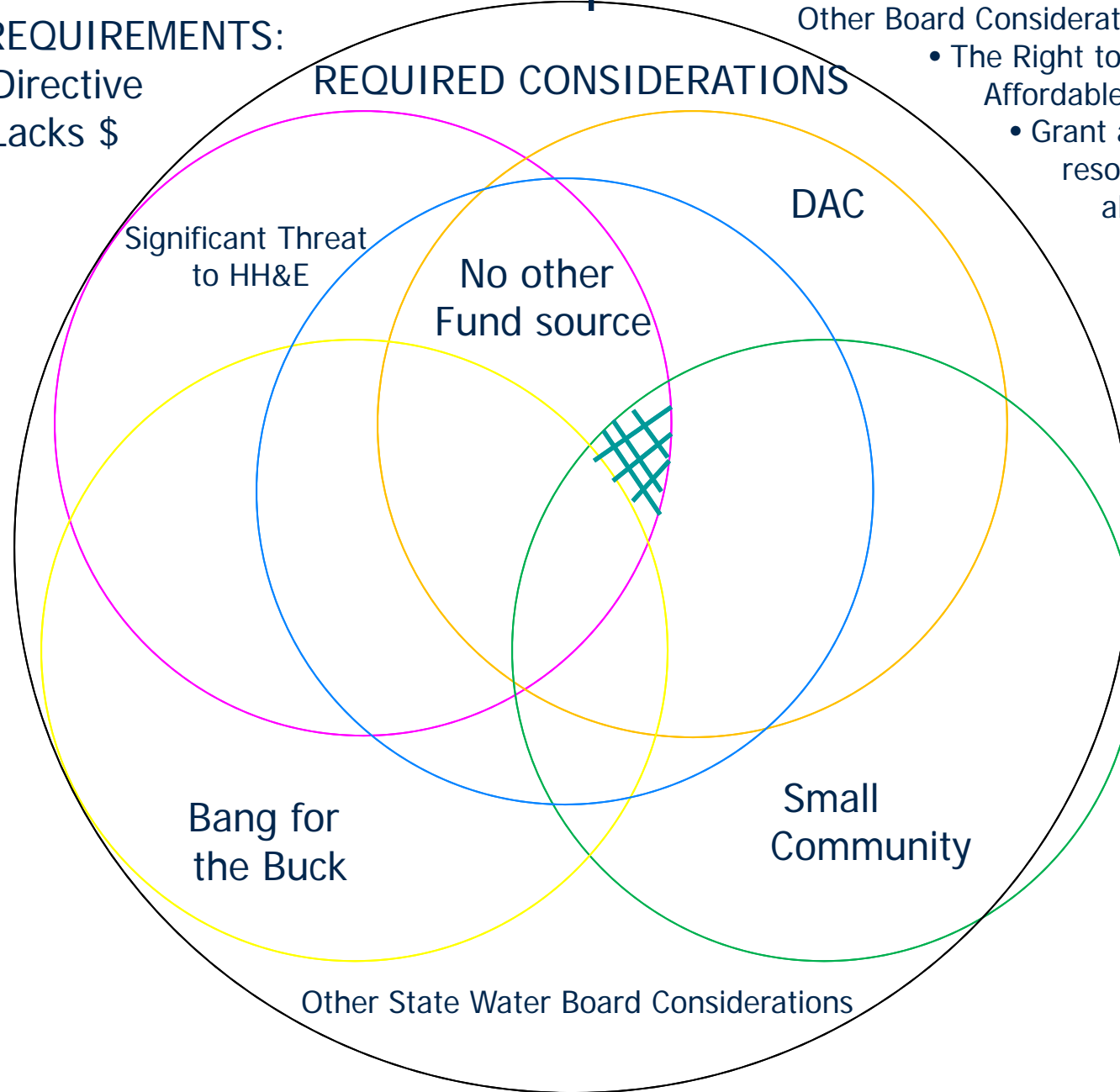
SB 445 SCAP: Required Considerations

SCAP REQUIREMENTS:

- RB Directive
- RP Lacks \$

Other Board Considerations:

- The Right to Clean, Safe, Affordable Drinking Water
- Grant applicant resources included as alternative funding.



SB 445 SCAP: SCOPING QUESTIONS

1. B. Should projects that address certain contaminants be given higher priority than others?

What the law says: Not explicitly discussed in SB 445. "...remediate the harm or threat of harm to human health, safety, and the environment caused by existing or threatened surface or groundwater contamination..."

SB 445 SCAP: SCOPING QUESTIONS

- 1.C. Should projects that propose
- Short-term solutions, whether due to emergency or non-emergency
 - Ongoing operations and maintenance
 - Permanent solutions
- be prioritized differently?

What the law says: Not explicitly discussed in SB 445. However, projects that propose solutions that are short-term or require ongoing operation and maintenance may need special consideration due to potential need for funding after the grant has terminated.

SB 445 SCAP: SCOPING QUESTIONS

1.D. Should the timing of project completion compared with the timeline for project benefits be prioritized differently?

What the law says: Not explicitly discussed in SB 445.

SB 445 SCAP: SCOPING QUESTIONS

2. What kind of limits should there be on grant funding amounts?

What the law says: ...There are no funding limits specified.

SB 445 SCAP: SCOPING QUESTIONS

3. What kind of technical assistance is needed?

What the law says: ... There is no SCAP funding available for technical assistance. Prop 1 Groundwater Sustainability may be able to provide funding for technical assistance on SCAP grant application and other technical assistance.

SB 445 SCAP: SCOPING QUESTIONS

4. The responsible parties' lack of sufficient financial resources to pay for the required response actions is a grant requirement. How should the Board evaluate a responsible party's ability to pay?

What the law says: "...The responsible parties lack sufficient financial resources to pay for the required response actions."

**Scoping Questions:
Proposition 1 Groundwater
Sustainability**

PROP 1 Groundwater Sustainability SCOPING QUESTIONS

1. What types of projects should be eligible or given higher priority?

What the law says: "...projects to prevent or clean up the contamination of groundwater that serves or has served as a source of drinking water...projects necessary to protect public health by preventing or reducing the contamination of groundwater that serves or has served as a major source of drinking water for a community."

PROP 1 Groundwater Sustainability SCOPING QUESTIONS

2. Should some funds be used for loans? If so, how much?

What the law says: "...The sum of nine hundred million dollars (\$900,000,000) shall be available, upon appropriation by the Legislature from the fund, for expenditures on, and competitive grants, and loans for..."

PROP 1 Groundwater Sustainability SCOPING QUESTIONS

3. How much funding should be set aside for technical assistance to disadvantaged communities? What kind of technical assistance is needed?

What the law says: “...Funding authorized by this chapter shall include funding for technical assistance to disadvantaged communities. The agency administering this funding shall operate a multidisciplinary technical assistance program for small and disadvantaged communities....”

PROP 1 Groundwater Sustainability SCOPING QUESTIONS

4. What kind of limits should there be on grant funding amounts?

What the law says: ...There are no funding limits specified.

PROP 1 Groundwater Sustainability SCOPING QUESTIONS

5. What factors should we consider in determining cost share? How should leveraging of private, federal, and local funds be considered in project selection?

What the law says: "...added consideration for those projects that leverage private, federal, or local funding....

"...a local cost share of not less than 50 percent of the total costs of the project shall be required..."

PROP 1 Groundwater Sustainability SCOPING QUESTIONS

6. What kind of project benefits should we look for or focus on?

What the law says [paraphrased priorities]:

- ◆ Threat posed by groundwater contamination to drinking water supply
- ◆ Potential for groundwater contamination to spread/impair
- ◆ Potential of project to enhance local water supply reliability
- ◆ Potential of project to recharge vulnerable, high-use basins
- ◆ Projects with no viable responsible party(ies) or responsible parties unwilling/unable to pay total cleanup cost

Each state agency ..shall be responsible for establishing metrics of success ...

PROP 1 Groundwater Sustainability SCOPING QUESTIONS

7. How should the timing of project completion and timeline for project benefits to be realized be considered in project selection?

What the law says:

- Not explicitly discussed in Proposition 1...

PROP 1 Groundwater Sustainability SCOPING QUESTIONS

8. How should we assess a community's ability to pay for operations and maintenance of a facility funded by Proposition 1 funds?

What the law says: "An agency administering grants or loans for the purposes of this chapter shall assess the capacity of a community to pay for the operation and maintenance of the facility to be funded."

PROP 1 Groundwater Sustainability SCOPING QUESTIONS

9. What would constitute a reasonable effort to identify responsible parties and recover costs by parties receiving funding?

What the law says: “Parties that receive funding for remediating groundwater storage aquifers shall exercise reasonable efforts to recover the costs of groundwater cleanup from the parties responsible for the contamination.”

PROP 1 Groundwater Sustainability SCOPING QUESTIONS

10. How should responsible parties' unwillingness or inability to pay for the total cost of cleanup be evaluated?

What the law says: "The project addresses contamination at a site ...where the identified responsible parties are unwilling or unable to pay for the total cost of cleanup..." [Note - this is a prioritization criteria]

PROP 1 Groundwater Sustainability SCOPING QUESTIONS

11. When considering a potential project funded under this program should any of the contaminants listed in Proposition 1 or other contaminants not listed, be given higher priority?

What the law says: “The contaminants that may be addressed ...may include, but shall not be limited to, nitrates, perchlorate, MTBE (methyl tertiary butyl ether), arsenic, selenium, hexavalent chromium, mercury, PCE (perchloroethylene), TCE (trichloroethylene), DCE (dichloroethene), DCA (dichloroethane), 1,2,3-TCP (trichloropropane), carbon tetrachloride, 1,4-dioxane, 1,4-dioxacyclohexane, nitrosodimethylamine, bromide, iron, manganese, and uranium.”

PROP 1 Groundwater Sustainability SCOPING QUESTIONS

12. What areas of the Groundwater Sustainability section of Proposition 1 should be further defined or clarified in the guidelines?

What the law says: "...each state agency that receives an appropriation ...shall develop and adopt project solicitation and evaluation guidelines. The guidelines shall include monitoring and reporting requirements and may include a limitation on the dollar amount of grants or loans to be awarded."

Next Steps / Closing Remarks

THANKS!!!